

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**IBRAHIM Z. MATARI and
CRYSTAL L. FOSTER,**

Defendants.

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8:11CR386

ORDER

This matter is before the court on the motion to continue by defendant Ibrahim Z. Matari (Matari) (Filing No. 50). Matari seeks a continuance of the trial of this matter which is scheduled for August 20, 2012. Matari has filed an affidavit wherein Matari consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Matari's counsel represents that Foster's counsel has no objection to the motion. Upon consideration, the motion will be granted as to both defendants.

IT IS ORDERED:

1. Matari's motion to continue trial (Filing No. 50) is granted.
2. Trial of this matter as to both defendants, Matari and Foster, is re-scheduled for **November 5, 2012**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 24, 2012, and November 5, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 24th day of July, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge